Without assuming prior legal knowledge, books in the Directions series introduce and guide readers through key points of law and legal debate. Questions, diagrams, and exercises help readers to engage fully with each subject and check their understanding as they progress. The first step in establishing a negligence claim is to prove that the defendant owed the claimant a duty of care. The claimant must then show that the defendant has been negligent, that is, has breached that duty. To determine negligence, one must therefore establish how the defendant ought to have behaved in the circumstances (that is, standard of care) and whether the defendant’s behaviour fell below the desired standard (that is, breach). The basic standard of care in negligence is objectively assessed: that of the reasonable man. The objective standard can at times appear to work particularly harshly against a defendant, as exemplified by the case *Nettleship v Weston* (1971). This chapter examines breach of duty and the standard of care, the proof of negligence, and the application of the maxim *res ipsa loquitur*. It also discusses the
3. Breach of duty

Compensation Act 2006 which addresses the problem of the so-called compensation culture.